

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KEVIN BRISTOL PATTERSON,

Movant

v.

UNITED STATES OF AMERICA,

Respondent.

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HABEAS CORPUS

28 U.S.C. § 2255

CIVIL ACTION NO.

1:18-CV-04616-ELR

CRIMINAL ACTION NO.

1:15-CR-00433-ELR-JSA

ORDER


This matter is before the Court for consideration of the Report and Recommendation (“R&R”) of Magistrate Judge Justin S. Anand. [Doc. 168]. Judge Anand recommends that Movant’s § 2255 Motion [Doc. 159] be denied and that a Certificate of Appealability be denied as well.

After conducting a careful and complete review of a magistrate judge’s findings and recommendations, a district court judge may accept, reject, or modify a magistrate judge’s R&R. 28 U.S.C. § 636(b)(1) (C); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). No objections to the magistrate judge’s R&R have been filed, and therefore, the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no error.

On April 23, 2020, Movant filed a motion [Doc. 171] requesting a twenty-eight (28) day extension to file a “reply” to the R&R, explaining that due to prison conditions created by COVID-19, he needed more time to, “review, research and draft a reply to the Government’s response.” [Doc. 171 at 2]. Although the Government had not filed any objections or “response” to the R&R to which Movant could respond, the Court in an abundance of caution, did grant Movant’s request for additional time to object to the R&R. [Doc. 172]. At this time, sixty (60) days have elapsed since the date of the Court’s Order granting the additional days, and Movant still has filed no objections.

Accordingly, the Court **ADOPTS** the R&R [Doc. 168] as the opinion of this Court. For the reasons stated in the R&R, the Court **DENIES** Movant’s § 2255 Motion [Doc. 159]. Additionally, the Court **DECLINES** to issue a certificate of appealability because after considering 28 U.S.C. § 2253(c)(2), the Court finds that Movant has not made a substantial showing of the denial of a constitutional right. The Court **DIRECTS** the Clerk to **CLOSE** the civil case associated with Movant’s § 2255 Motion: Civil Action No. 1:18-CV-04616-ELR.

SO ORDERED, this 21st day of July, 2020.



Eleanor L. Ross
United States District Judge
Northern District of Georgia